

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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THOMAS VARIO,

Case No. 11-cv-5648

Plaintiff,

- against -

LOCAL 14-14B OF THE INTERNATIONAL  
UNION OF OPERATING ENGINEERS, and  
GEORGE STAMBOULIDIS,

Defendants.

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**DECLARATION OF ANTHONY J. COLLELUORI IN SUPPORT OF OPPOSITION TO  
DEFENDANT LOCAL 14-14B OF THE INTERNATIONAL UNION OF OPERATING  
ENGINEERS MOTION TO DISMISS THE COMPLAINT**

I, Anthony J. Colleluori, pursuant to 28 U.S.C. § 1746 under the penalty of perjury declare as follows:

1. I am the attorney for Plaintiff Thomas Vario. As such, I am fully familiar with the above-referenced case based on the files maintained by this office and personal contact with Plaintiff.
2. I submit this declaration in further support of Plaintiff Vario opposition to Defendants' motion to dismiss.
3. On or about April 3, 2012, Defendant Local 14 filed an affirmation with an exhibit notifying the Court that Mr. Vario's charge with the National Labor Relations Board (the "NLRB") was dismissed.

4. I would like to note that the NLRB does not specify the reasons for dismissal, and/or any details of its investigation. The NLRB's decision cannot serve as a precedent for a Federal Case, and if anything, it further demonstrates that Mr. Vario has chosen the right forum to address the issues and violations committed by Defendants.

Dated: April 9, 2012  
Melville, NY 11747

/s/Anthony J. Colleluori  
Anthony J. Colleluori (ac-9103)  
LAW OFFICES OF  
ANTHONY J. COLLELUORI  
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**DECLARATION OF SERVICE**

I hereby certify that on May 9, 2012, I caused DECLARATION OF ANTHONY J. COLLELUORI IN SUPPORT OF OPPOSITION TO DEFENDANT LOCAL 14-14B OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS MOTION TO DISMISS THE COMPLAINT to be filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

**To:**

James Steinberg, Esq.  
Brady McGuire & Steinberg LLP  
303 South Broadway, Suite 234  
Tarrytown, NY 10591

Patrick T. Campbell  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, NY 10111

s/ \_\_\_\_\_  
Anthony J. Colleluori(ac-9103)

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